

EMPLOYER STATUS DETERMINATION**New York Central Lines, LLC**

This is the decision of the Railroad Retirement Board regarding the continued status of the New York Central Lines, LLC (NYC LLC) as an employer under the Railroad Retirement Act (45 U.S.C. § 231, et seq.) (RRA) and the Railroad Unemployment Insurance Act (45 U.S.C. § 351, et seq.) (RUIA).

Information was provided by Mr. Sean M. Craig, Director-Audits & Appeals of CSX Corporation. NYC LLC (B.A. No. 2385) was held to be an employer under the Acts effective June 1, 1999 (Board Coverage Decision 00-50). According to Mr. Craig, on August 26, 2004, NYC LLC merged into NYC Newco, Inc. (Newco), with Newco as the surviving entity. Newco was then merged into CSX Transportation, Inc. (CSXT), an employer under the Acts (B.A. No. 1524). Mr. Craig explained that the former employees of NYC LLC were last compensated on varying dates, depending on the particular situation for each employee¹. The former employees of NYC LLC are now employed by Fruit Growers Dispatch, Inc., an employer under the Acts (B.A. No. 9536). According to Mr. Craig, all assets of NYC LLC were transferred to CSXT pursuant to the terms of a Private Letter Ruling issued by the Internal Revenue Service. The Surface Transportation Board (STB) found the mergers to be consistent with the public interest (STB Finance Docket No. 33388 (sub-No. 94), service date – late release July 9, 2003; STB Finance Docket No. 33388 (Sub-No. 94), service date – November 7, 2003)).

The evidence of record establishes that NYC LLC no longer possesses the characteristics of a railroad employer. The Board therefore finds that effective August 26, 2004, the date of the merger with NYC Newco, Inc., New York Central Lines, LLC ceased being a covered employer under the Railroad Retirement and Railroad Unemployment Insurance Acts.

Original signed by:

FOR THE BOARD
Beatrice Ezerski
Secretary to the Board

¹ According to the spreadsheet provided by Mr. Craig, there were seven employees; four were last compensated on June 30, 2004, and three were last compensated on July 2, 2004.